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# The Anti-Neutral Suit: International Legal Futurists, 1914-2017

(Forthcoming, *London Review of International Law*, Vol. 5, Issue 1 (2017), as part of a special issue on the History, Anthropology and the Archive of International Law (HAAIL) project)

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## INTRODUCTION

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The fragment of the War with which this article is concerned is the Anti-Neutral Suit (*Vestito antineutrale*), designed in late-1914 by the Futurist painter and designer, Giacomo Balla. I approach the Suit as a no-longer-existing object whose former materiality contains within it physical traces of the process—simultaneously alluring and coercive—through which international legal subjects are called into being.<sup>1</sup> Juxtaposing the materiality of the original Suit against that of a number of present-day anti-neutral outfits in the context of another global war, this essay will suggest that international law's subjects are not, in fact, as peaceable and egalitarian as one might expect from the language of the discipline's 'sources'.<sup>2</sup> Instead, it will be argued that those subjects—and states, the primary subjects of international law), in particular—are constituted as violent and expansionist, eager participants in the war of all against all. I refer, here, not only to the never-ending series of conflicts in which today's nation-states are engaged, but also to the drive to establish ever more 'perfect' conditions of competition.<sup>3</sup>

In the following pages, I harness together a series of disconnected moments at which the belligerent individual subject called up in 1914 by the *Vestito antineutrale* has erupted into the present. The

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<sup>1</sup> See L. Althusser, 'Ideology and Ideological State Apparatuses', trans. B. Brewster (1970), available at <https://www.marxists.org/reference/archive/althusser/1970/ideology.htm> (last visited 17 December 2016).

<sup>2</sup> R. Parfitt, 'The Spectre of Sources' 25 *European Journal of International Law* (2014): 297-306.

<sup>3</sup> See S. Parfitt, *The Process of International Legal Reproduction: Subjectivity, Historiography, Law, Violence* (manuscript under review at Cambridge UP).

resulting constellation of past and present anti-neutral episodes suggests a concrete connection between Balla's yesterday-despising, tomorrow-embracing 'human flag' on the one hand, and, the classical micro/macro *legal* subject to which international law ascribes such evolutionary consistency, on the other. Although their resonance is global, the anti-neutral moments selected here all take place in the supposedly post-war geopolitical space that is commonly entitled the West. My aim, in focusing not on but from the West, is to draw attention to the invisible and yet irrevocable nature of the connection between these superficially peaceful episodes and the brutality that has been taking place 'over there' for some four centuries.<sup>4</sup> After all, and as Peevers points out in this issue, the international legal continuities between the First World War and our own ongoing global conflict are hardly obscure outside the West, in particular in the region known as the 'Middle East'.<sup>5</sup> My objective, in other words, is to render tangible a link between the notorious, law-generating violence of the First World War and the banal, law-generated 'slow violence' that underpins our own escalating global conflict.<sup>6</sup> This link, I suggest, is provided by the 'sovereign' state form itself, conceived similarly by Futurists and international lawyers as the individual's eternal collective embodiment.<sup>7</sup> Getting ahead of myself, therefore (in the spirit of the Suit), I begin with the conclusion: thanks to international law, we are all Futurists now.<sup>8</sup>

## 'THE WAR AS LAW OR HISTORY'<sup>9</sup>

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ON THE EVENING OF 8 JULY 2014, A CENTURY ON FROM THE ASSASSINATION OF THE ARCHDUKE FRANZ FERDINAND IN SARAJEVO, BAN KI-MOON, SECRETARY-GENERAL OF THE UNITED NATIONS, ROSE TO ADDRESS THE GENERAL ASSEMBLY AT THE UN HEADQUARTERS IN NEW YORK. This centenary event was attended by several hundred international diplomatic representatives and

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<sup>4</sup> I refer to the wartime song *Over There* (1917) (discussed *infra*).

<sup>5</sup> See, e.g., K Fahmy, 'خالد فهمي يكتب لـ«الشروق» عن: البى بى سى وسايكس – بيكو.. ومؤامرة تقسيم العالم العربى', *Shorouk News*, 3 July 2015, available at <http://www.shorouknews.com/news/print.aspx?cdate=03072015&id=46e07e03-ee44-40dc-96f3-420ccd67ad4e> (last visited 23 January 2016).

<sup>6</sup> See R Nixon, *Slow Violence and the Environmentalism of the Poor* (Harvard UP, 2011).

<sup>7</sup> My approach is indebted to Nathaniel Berman's groundbreaking analysis of the influence of cultural modernism on inter-war international law (see N Berman, *Passion and Ambivalence: Colonialism, Nationalism and International Law* (Martinus Nijhoff, 2012)). The argument I make here, however, is different. My suggestion is not that inter-war international lawyers, influenced directly or indirectly by Futurism, developed a genre of doctrine and practice that could be labelled 'international legal futurism'. The Anti-Neutral Suit is not treated here as an object of legal history, but instead as a particularly prescient materialisation of, and vehicle for the perpetuation of, a particular kind of subjectivity—which international law has dedicated itself to universalising.

<sup>8</sup> Paraphrasing L Kalman, *Legal Realism at Yale, 1927-1960* (University of North Carolina Press, 1986) 229. However, where Kalman's purpose was to lay out the rocky road by which the conclusions of the inter-war legal realists finally came to be accepted in the American legal academy, my 'we' does not refer to the members of any such academy. Instead, I identify here as a twenty-first century member of the human species.

<sup>9</sup> A salute to Anne Orford's, 'The Past as Law or History': The Relevance of Imperialism for Modern International Law', *NYU Institute for International Law and Justice Working Paper* 2012/2, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2090434](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2090434) (last visited 6 November 2016).

broadcast to millions of online viewers.<sup>10</sup> Ban began by reflecting on the ‘roll-call of carnage etched into our collective memory’ by ‘[t]he battlefields of the First World War’. As he continued, however, his tone grew more hopeful:

But global revulsion at the bloodshed did mark the beginning of new efforts to better manage the world’s rivalries and affairs. The League of Nations rose from the ashes ... With the birth of the United Nations in 1945, a direct historical line was established between those fateful shots in Sarajevo and our enduring global organization ... Too many continue to embrace the military option, despite the lessons of history. Our shared commitment is to keep pushing to silence the guns ...<sup>11</sup>

Alongside this account, those in search of the current ‘mainstream’ international legal story of the War’s significance might turn to Malcolm Shaw’s *International Law*, a popular English-language textbook.<sup>12</sup> ‘The First World War,’ states Shaw in Chapter 1, ‘marked the close of a dynamic and optimistic century’. European empires and ideologies had ‘ruled the world’ but the War ‘undermined the foundations of European civilisation’, causing ‘self-confidence’ in the ‘old anarchic system’ to ‘fade’. Skipping over the War itself, Shaw describes the League of Nations as the ‘most important legacy’ of the 1919 peace settlement. Although the League ‘failed’, he continues, it did do some ‘useful groundwork’, which ‘helped to consolidate the United Nations later on’. The Mandates System, for instance, was set up to allow ‘the colonies of the defeated powers’ to be ‘administered by the Allies for the benefit of their inhabitants’, while the League-supervised system of minority rights ‘paved the way for a later concern to secure human rights’. Only after ‘the trauma of the Second World War’, however, was the League succeeded by an organisation, the UN, with aspirations to become ‘truly universal’. The ‘advent of decolonisation’ in the 1950s ‘fulfilled this expectation’ at last.<sup>13</sup>

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<sup>10</sup> ‘World War One commemoration ceremony of the United Nations,’ available at <http://www.europeanfilmgateway.eu/content/world-war-one-commemoration-ceremony-united-nations-film-material-efg1914> (last visited 14 January 2015).

<sup>11</sup> ‘Remarks to General Assembly Commemoration of the 100th Anniversary of the Outbreak of the First World War,’ New York, 8 July 2014, available at <http://www.un.org/sg/statements/index.asp?nid=7848> (last visited 23 January 2016).

<sup>12</sup> Textbooks can hardly be taken as representative of scholarship in any field. However, they do operate as ‘showcases for accumulated knowledge’, selected by a discipline’s central establishment figures. Textbooks therefore serve a dual purpose, ‘providing specialized knowledge in one field’ while also ‘contributing to a more “popular” general understanding of other areas’, impacting both on scholars/students and the general public. M Vicedo, ‘The Secret Lives of Textbooks’ 103 *Isis* (2012) 83-87.

<sup>13</sup> M Shaw, *International Law*, 7<sup>th</sup> ed. (Cambridge UP, 2014) 21-22.

As we can see, both Ban and Shaw treat the First World War as a pivot between ‘old’ (worse) and ‘new’ (better). On 11 November 1918, ‘the world’ was born as a single World, in and through the collective realisation that unfettered war and imperial conquest (the ‘old anarchic system’) were *themselves* backward in some way. Starting with the creation of the League, statesmen and lawyers then embarked on the painstaking task of ‘fulfilling’ this universalist ‘expectation’ by gradually dividing the planet into a series of regular, state-shaped, law-abiding spaces.<sup>14</sup> Finally, with the creation of the UN and ultimately with decolonisation, international law became ‘truly universal’ at last.

Notably, what we might call the War’s ‘inside’ is of little interest to either narrator. What matters to the discipline whose contours they describe (and constitute) is its ‘outside’—its function as the vehicle of a crucial but ineluctable transition from one doctrinal-historical phase to another in the evolution of a modern set of normative principles: ‘truly universal’ sovereign equality; ‘secure’ human rights; the non-use of force (‘silencing the guns’). This mainstream account separates definitively an impulsive, quasi-feudal WWI ‘then’ from the rational ‘now’ of our own (post-)modernity as this emerged, Phoenix-like, ‘from the ashes’.<sup>15</sup> Simultaneously, this narrative traces an upwards-sloping ‘direct historical line’ of ‘learning’ between mistakes of 1914-18 and the successes of the present.

But this international legal account of WWI, though favoured by public figures, is not the only one currently in circulation. New histories have been streaming onto bookshelves, screens and radios around the World in recent years, timed to coincide with the centenary. This is particularly the case in the West—an area which maps almost exactly onto the geographical space once occupied by the main imperial protagonists of the War: those ‘sovereign’ international ‘personalities’, on both sides of the conflict, whose consent made its pursuit legitimate, and therefore real.<sup>16</sup> As a geographical area, ‘the East’, by contrast, corresponds relatively accurately to the areas which were dragged into the conflict as international objects—as the malleable, manipulable, aconsensual constructions of international subjectivity. Of these, the ‘Middle East’ is one of the War’s most obvious international legal artefacts (as ISIS militants do not hesitate to point out).<sup>17</sup>

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<sup>14</sup> See, e.g., J Crawford, *The Creation of States in International Law*, 2<sup>nd</sup> ed. (Oxford UP, 2006) 566-67.

<sup>15</sup> See also Painter’s argument that the War was understood, by the Canadian Government, as something that could jolt Indigenous subjectivities out of the ‘pre-modern’ and into the ‘modern’ 000.

<sup>16</sup> See Chiam’s discussion of Australia’s troubled place within ‘the West’, 000.

<sup>17</sup> ‘The “Sykes-Picot Borders ISIS Wants Gone”, *Empire*, Al Jazeera English, 29 January 2014, available at <https://www.youtube.com/watch?v=mZtoR6kaZVY&index=7&list=PLkRqdmPhYDfu62R5-1oe9uZ7g1MKyAv5o> (last visited 21 January 2016).

The aim of these new, increasingly detailed histories of the War's particular moments (the 'July crisis'<sup>18</sup>); locations (the 'blood-soaked Russian Fronts',<sup>19</sup> the air<sup>20</sup>); activities (French aviation,<sup>21</sup> animal-training<sup>22</sup>); groups (the German Army,<sup>23</sup> Europe's 'secret elite'<sup>24</sup>; characters (Winston Churchill,<sup>25</sup> Mexican foot-soldier José de la Luz Sáenz<sup>26</sup>) is, it seems, to complicate the clichéd or 'homogenised' memory of the conflict as exclusively one of 'trench warfare' fought 'disproportionately' in Western Europe.<sup>27</sup> By contrast, mainstream international law's straightforwardly teleological reading of the conflict comes across as curiously anachronistic, embodying an approach to the past that is itself *passé* (to borrow a favourite Futurist term of abuse).

'When I first encountered the subject as a schoolboy,' writes the historian Christopher Clark, for example, 'a kind of period charm had accumulated in popular awareness of the events of 1914. It was easy to imagine the disaster of Europe's "last summer" as an Edwardian costume drama'.<sup>28</sup> As Clark continues, however, 'what must strike any 21st-century reader who follows the course of the crisis is its raw modernity'.<sup>29</sup> In the wake of the collapse of bipolar stability after 1989, he concludes, July 1914 seems almost 'less remote from us—less unintelligible—now than it was in the 1980s'.<sup>30</sup> Similarly Hew Strachan warns that we should not be seduced by the 'Ruritanian quality' of the July Crisis into encountering it as a story from another universe. The assassination seems 'more modern to us now than it did on the war's fiftieth anniversary, when terrorism was rare'.<sup>31</sup> However, even as they insist on the continuing relevance of the War, these new histories all, like Clark, eschew the kind of 'vulgar presentism' manifested by Ban and Shaw's accounts, which seems to '[remake] the past to meet the needs of the present'. Instead, their aim is to '[acknowledge] those features of the past where our changed [post-Cold War] vantage point can afford us a clearer view'.<sup>32</sup>

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<sup>18</sup> See, in addition to Clark (2012), S McKeekin, *July 1914: Countdown to War* (Icon Books, 2013); M MacMillan *The War that Ended Peace: How Europe Abandoned Peace for the First World War* (Profile Books, 2013).

<sup>19</sup> D Boyd *The Other First World War: The Blood-Soaked Russian Fronts 1914-1922* (The History Press, 2014).

<sup>20</sup> BBC Radio 4, *The First World War from Above* (BBC, 2016).

<sup>21</sup> V Ferry *French Aviation during the First World War* (Histoire and Collections, 2015).

<sup>22</sup> P Street *Animals in the First World War* (The History Press, 2016).

<sup>23</sup> D Stone *The Kaiser's Army: The German Army in World War One* (Bloomsbury Publishing, 2015).

<sup>24</sup> G Docherty & J McGregor *Hidden History: The Secret Origins of the First World War* (Mainstream Publishers, 2103).

<sup>25</sup> BBC Radio 4, *Churchill's First World War* (BBC, 2013).

<sup>26</sup> *The World War I Diary of José de la Luz Sáenz*, ed. E Zamora (A&M UP, 2014).

<sup>27</sup> Ibid 8.

<sup>28</sup> C Clark 'The First Calamity' 35 *London Review of Books* (2013) 3, 3.

<sup>29</sup> Clark (2013) 3.

<sup>30</sup> Clark (2012) xxvii.

<sup>31</sup> H Strachan, *The First World War: A New History*, 3<sup>rd</sup> Ed. (London Simon and Schuster, 2014) vii.

<sup>32</sup> Clark (2013) 3; Clark (2012) xxviii.



A clearer view of what? The answer is, of course: the past. Notwithstanding their desire to recognise the ‘modernity’ of the First World War, the objective of ‘mainstream’ history remains that of creating an accurate reconstruction of the past. To this end, Clark cautions against the urge to turn to ‘remote and categorical causes’ for explanations, focusing instead on ‘key decision-makers’ to produce an account that is self-consciously ‘saturated with agency’.<sup>33</sup>

However, in spite of their fiercely opposed historiographical views, these two approaches share a central assumption: that the past is OVER.<sup>34</sup> In both cases, this separation between past and present is predicated on a linear conception of time, conceived as ‘homogenous, empty’ time, in Walter Benjamin’s famous description, or as ‘bureaucratic clock’ time, in that of his Futurist contemporary, Carlo Carrà.<sup>35</sup> It was this assumption of linearity that Benjamin set out to challenge in the late-1930s, as he confronted the full scale of the fallout from the 1919 peace settlement (a fallout which he, like millions of others, would not survive). In laying out the parameters of an alternative, avowedly non-linear, ‘historical materialist’ temporality, Benjamin determined to ‘carry over the principle of montage into history’.<sup>36</sup> By first ‘blasting’ historicism’s linear narratives apart, the critic would then be free to assemble, from the wreckage, new ‘large-scale constructions out of the smallest and most precisely cut components’.<sup>37</sup> Taking inspiration from Benjamin’s impatience with the kind of linear temporality that is employed, in different ways, both by mainstream historians and mainstream international lawyers,<sup>38</sup> and taking equal inspiration from Christopher Tomlins’s recent experiments with Benjamin’s ideas in the *legal* history context,<sup>39</sup> I approach international law’s relationship with the First World War in this article through an examination of one of its ‘small, precisely cut components’. My aim—like that of Tomlins and the anthropologist John Comaroff—is not ‘to overcome the past’, but rather ‘to confront the present’.<sup>40</sup> Specifically, I wish to draw critical attention to the way in which the World (generated as such by the First World War) has come to accept as wholly unremarkable a level of everyday mass-violence which, a hundred years ago, still had the power to shock. I begin from Mikhail Bakhtin’s suggestion that in the attempt to

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33 Clark (2012) xxix

34 See also Orford (2013) 171.

35 C Carrà, *Musing no. 3* [1913], in L Rainey, C Poggi & L Wittman (eds), *Futurism: An Anthology* (New Haven/London Yale UP, 2009) 449-50.

36 W Benjamin, ‘Theses on the Philosophy of History’ in Hannah Arendt (ed), *Illuminations*, trans. H Zohn (New York Schocken Books, 1968) 263.

37 W Benjamin, *The Arcades Project*, trans. H Eiland & K McLaughlin (Cambridge MA Harvard UP, 2002) 461.

38 For a brilliantly non-linear take on the international legal legacy of the War, see F Johns ‘International Law 1914/2014’, *Critical Legal Thinking*, 30 July 2014, available at <http://criticallegalthinking.com/2014/07/30/international-law-19142014/> (last visited 5 November 2016).

39 See e.g. C Tomlins ‘After Critical Legal History: Scope, Scale, Structure’ 8 *Annual Review of Law and Social Science* (2012) 31-68.

40 Tomlins & Comaroff (2011) 1044.

understand the process by which different subjects are produced, we would do well to examine the relationship between time and space in the narratives in which those subjects are the protagonists.<sup>41</sup>

## IL VESTITO ANTINEUTRALE

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SHORTLY AFTER 8 A.M. ON THE FREEZING ROMAN MORNING OF 11 DECEMBER 1914, THREE YOUNG MEN SPRANG OUT OF A HANSOM CAB AND STORMED UP THE GREAT STAIRCASE AT LA SAPIENZA, ONE OF THE OLDEST UNIVERSITIES IN EUROPE. They were heading for the Institute of Civil Law, where they planned to disrupt a lecture by the eminent professor, Giuseppe Chiovenda, whose views they considered *neutralisti* and *tedescofili* (neutralist and pro-German).<sup>42</sup>

As this trio of Futurists—Filippo Tommaso Marinetti, the movement's leader, the poet Francesco Cangiullo (both in Figure 1) and Balla himself—were painfully aware, the First World War was by then in full swing only a few hundred miles away. Some of its most legendary battles were already over, and the fighting had spread right through the African, Asian and Pacific veins of the conflict's main players, with fronts open from Togoland to Tsingtao, and from Basra to the Cocos Islands. Yet to the disgust of these three young men, Italy had chosen early on in the crisis to remain neutral, in spite of its alliance with Austria-Hungary and Germany and (more to the point for the Futurists) in spite of the territorial temptations offered by the prospect of joining, instead, on the side of the Triple Entente.<sup>43</sup> This position of 'neutralism' was regarded not only by the Futurists but also by their friends and colleagues in Benito Mussolini's newly-formed *Fasci d'Azione Rivoluzionaria* as a shameful act of cowardice; a betrayal of Italy's irredentist and imperial ambitions.<sup>44</sup> As Mussolini would insist in a speech delivered four days later, in a sentiment the Futurists shared wholeheartedly, 'Neutrals... have always gone under. It is blood which moves the wheels of history!'<sup>45</sup>

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<sup>41</sup> M Bakhtin 'Forms of Time and the Chronotope in the Novel' [1937-38] in M Holquist (ed), *The Dialogic Imagination: Four Essays by M M Bakhtin*, trans. C Emerson & M Holquist (University of Texas Press, 1981) 84-258. For a deployment of Bakhtin's concept of the chronotope in the international legal historiography context, see e.g. S Parfitt, 'Newer is Truer: Time, Space, and Subjectivity at the Bandung Conference' in L Eslava, M Fakhri & V Nesiah (eds), *Bandung, Global History and International Law: Critical Pasts and Pending Futures* (Cambridge UP, forthcoming, 2017); S Parfitt, 'Thinking Through the *Arco dei Fileni*: Fascist Sovereignty Yesterday and Tomorrow' (under review of the *Journal of the History of International Law*).

<sup>42</sup> G Berghaus, *Italian Futurist Theatre, 1909-1944* (Clarendon, 1998) 75. G Chiovenda, *L'azione nel sistema dei diritti* (Zanichelli, 1903) is still considered the foundational text of Italian procedural law.

<sup>43</sup> R Bosworth, *Italy and the Approach of the First World War* (Macmillan, 1938) 121-41; R L Hess, 'Italy and Africa: Colonial Ambitions in the First World War' 4 *Journal of African History* (1963) 105-26.

<sup>44</sup> The *Fasci d'Azione Rivoluzionaria* was formed on the same day as the demonstration at La Sapienza of a merger between the original *Fasci d'Azione Internazionalista* and Mussolini's *Fasci Autonomi d'Azione Rivoluzionaria*. Z Sternhell, *The Birth of Fascist Ideology* (Princeton UP, 1995) 303, note 89.

<sup>45</sup> B Mussolini, 'For the Liberty of Humanity and the Future of Italy', Parma, 13 January 1914, in Barone B Quaranta di San Severino (ed), *Mussolini, as Revealed in his Political Speeches* (J M Dent & Sons, 1923) 9, 17.



**Figure 1: Three of the Futurists (from left to right: Fortunato Depero, Filippo Tommaso Marinetti and Francesco Cangiullo) wearing waistcoats designed by Giacomo Balla, Turin, 14 Jan. 1924. Source: Wikicommons.**

Marinetti, Cangiullo and Balla were relying on the likelihood that they would at first be mistaken for a group of law students. However, beneath his nondescript, blue-green ‘Loden’ cape,<sup>46</sup> Cangiullo was wearing an outfit whose impact was designed to be as explosively interventionist as the screams and punches that accompanied it. This was Balla’s *Vestito antineutrale*, one of the most legendary creations of fashion and art history—its bizarre asymmetric cut patterned with flame-like stripes in the red, white and green of the Italian flag; its matching tricolour beret crowned with a silver star like some ‘marvellous *frutto di mare*’.<sup>47</sup> A few moments earlier, as they clopped along the cobbled street, Marinetti had torn open Cangiullo’s cape like ‘the lips of an irredentist wound’, the sight of the Suit’s ‘tricolour stripes’ filling him with ‘electrified admiration’.<sup>48</sup> Arriving at their destination, the three men’s nervous excitement exploded into violence:

We force our way through, slamming [into] the lecture halls. The students rear up, the professors try to escape like the inhabitants of Troy ... The bells are ringing. The janitors come running like firemen. Alarm: ‘Throw them out!’ Yelling: ‘Speak, Marinetti!’ The [student] benches roll with the [professorial] chairs. Bottles are smashed between the rage of our opponents and the exultation of our sympathisers. The most impetuous moment is here! The most lyrical! The least philosophical! Bristling with clenched fists and torn-open mouths, the same fanaticism with which they [would] support and oppose a leader!...

I unbutton my cape in one rip, pull out the beret: from the under the skin of my Loden escapes a human flag.

Pandemonium ...

Frenetic applause as if for a gold medal! ...

Buffoon!—Prankster!—Comrades! summary execution! In triumph! Let’s carry them off in triuuuumph!—Let’s burn them alive! ...

[I descended] La Sapienza’s great staircase, tossed about on the heads and arms of a cascade of students ...

But before my certain combustion, I had a chilly surprise. Right there in the street, I feel and find myself to be all but naked.—The tricolour jacket vanished along with the beret, the

<sup>46</sup> F Cangiullo, *Le serate futuriste: romanzo storico vissuto* (Milano Ceschina, 1961) 212 (my translation).

<sup>47</sup> Cangiullo (1961) 213.

<sup>48</sup> Ibid 213.

trousers in tatters, the buttons missing, the braces hanging. I believed myself to be the lover of Italy, caught in the act ...<sup>49</sup>

As Cangiullo's account confirms, the Suit itself no longer exists, having been destroyed essentially by the force of its own impact a matter of hours after its entry into the world. However, although we can no longer see, touch or smell it, there are certain things we are able to know about its physicality nonetheless. We know from Balla's surviving creations (Figure 1) and designs (Figure 2), for instance, that it was made of white, red and green flannel. We know, too, that there had been difficulty in finding a tailor capable of making up Balla's impossibly complex design, and that the only *sarto* with the necessary skill—a certain Signore Petrosemo, recommended by Balla's wife—lived above his workshop deep in the impoverished backstreets of Trastevere.<sup>50</sup> We also know something about the purpose of the Suit, thanks to the manifesto Balla had published two months earlier. Given the Futurists' insistence on the materiality of words, sounds and images and, likewise, on the political and ideological semantics of objects, *Il vestito antineutrale: manifesto futurista* (Figure 2) is arguably as concrete a part of the Suit as were its cut, colours and fabric.

**Figure 2: Fragment from Giacomo Balla, *Il vestito antineutrale: manifesto futurista*, 11 Sep. 1914. Source: Yale University Library, Beinecke Rare Books and Manuscript Library.**

The *Manifesto*'s language and capitalised, emboldened typography underscores the explicitly interpellative purpose of the Suit. 'Humanity', it declared—a category equated, in Balla's text, to the European 'male body'—had been 'diminished by **neutral** shades' and 'suffocated by the antihygienic passéism of heavy fabrics and boring, effeminate, or decadent half-colors'.<sup>51</sup> In an era of dull capes and rigid, dreary uniforms, men's clothing (as epitomised by the Suit) should be so bizarre, so shocking that it would, quite literally, force those confronted with it to respond as nationalists, imperialists and, above all, as Futurists,<sup>52</sup> calling forth from them an overwhelming desire to force the elected government to take Italy into the War:

We Futurists want to liberate our race from every **neutrality**, from fearful and enervating indecision, from negating pessimism and nostalgic, romantic, and flaccid inertia. We want to

<sup>49</sup> Ibid 213-14.

<sup>50</sup> Ibid 199-210.

<sup>51</sup> G Balla, 'The Antineutral Suit: A Futurist Manifesto,' Milan, 11 January 1914, in Rainey *et al* (2009) 202, 203. Emphasis in the original.

<sup>52</sup> See Althusser (1970).

color Italy with Futurist audacity and risk, and finally give Italians joyful and bellicose clothing.

**Futurist attire will therefore be:**

3. **Dynamic**, with textiles of dynamic patterns and colors (triangles, cones, spirals, ellipses, circles) that inspire the love of danger, speed, and assault, and loathing of peace and immobility...

5. **Hygienic**, or cut in such a way that every pore of the skin can breathe during long marches and steep climbs.

6. **Joyful**. Colored materials of thrilling iridescence. The use of *muscular* colours: super-violets, super-reds, super-turquoises, super-greens [*violetissimi, rossissimi, turchinissimi, verdissimi*], big-bad yellows, oooranges, vermilion [*gialloni, aranciooooooni, vermiglioni*].

7. **Illuminating**. Phosphorescent textiles that can ignite temerity in a fearful crowd...

11. **Changeable**, by means of...pneumatic buttons. In this way anyone can invent a new suit, at any moment.

[...] All of Italy's youth will recognize that we don our feisty Futurist banners for our **necessary, URGENT** great war.<sup>53</sup>

Although it no longer exists, therefore, the Suit leaves in its wake an archive of artefacts from which it is possible to retrieve a sense of the temporal and spatial dimensions of the narrative which it sought to impose on the World, and hence of the character of the protagonist which it sought to mould of its witnesses' astonished consciousnesses.

First, the temporality of the Suit was, of course, future-time. The outfit was designed to incubate in those who encountered it an urge to accelerate into the super-rationalist, highly technified tomorrow which the mechanised carnage of the War ushered in while scorching the earth of yesterday irrevocably. The outfit that Petrosimo made up certainly did not last long in its first battle; yet it did succeed in causing a furore that made headlines in the Roman newspapers.<sup>54</sup> However, the future anticipated by the Anti-Neutral Suit, and by Futurism generally, did not involve any long-term plan or grand teleology. On the contrary, as Marinetti affirmed a fortnight later, '[o]ne cannot intuit even the immediate future other than by involving oneself *totally* in the living of one's life. From this stems our violent, besetting love of action. We are the Futurists of *tomorrow* not of *the day after*

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<sup>53</sup> Balla (1914) 202-04. Emphasis in the original.

<sup>54</sup> See, e.g., G Amendola 'Nuovi diordini all'Università di Roma provocati dai futuristi' *Corriere della Sera*, 11 January 1914.

*tomorrow*'.<sup>55</sup> The spatiality of the Anti-Neutral Suit, meanwhile, was clearly nation-state-space. Its colour scheme, together with its primary target, the unfortunate Professor Chiovenda and his *tedescofilismo*, aimed to invoke in its spectators a sense of Italy as a new, vigorous, belligerent and rightfully expansionist state, 'bristling' with irredentist grievances against its allegedly treacherous ally, Austria-Hungary.<sup>56</sup> Through this relationship of futuristic temporality and statist spatiality, realised concretely in the Suit-as-artefact, Balla, Marinetti and Cangiullo sought to transform Italy's 'youth' into Futurists one and all, while simultaneously interpellating Italy *itself* as the ultimate Futurist subject.

This objective of forcibly co-constituting Italians and Italy as individual and collective versions of the same expansionist, belligerent subject was one of Futurism's most consistent themes, as it soon became one of Fascism's. For instance, when Marinetti wrote admiringly to Mussolini in 1923, congratulating the *Duce* upon his assumption of power, he quoted from an earlier Futurist manifesto, written during the Italo-Ottoman War of 1911-12, to underscore his point:

1. All freedoms should be granted to the individual and the people, except the right of being a coward.
  2. Let it be proclaimed that the word ITALY must dominate over the word FREEDOM...
- [O]ur slim peninsula is swollen with creative genius, and has the right to govern the world.<sup>57</sup>

We might also turn to Carrà's *Futurist Synthesis of the War* (Figure 3) for another illustration of the subjective relationship between the Futurist (wholly liberated, belligerent) individual and the Futurist (imperial, expansionist) state. In this diagram-poem-print, the struggle of the eight major Allied Powers (representing 'elasticity / intuitive synthesis / invention / multiplication of forces / invisible order / **creative genius**') 'AGAINST' Germany and Austria (representing 'rigidity / analysis / methodical plagiarism'<sup>58</sup> / addition of stupidities / numismatic order / Germanic culture'), is 'synthesised' into a war of 'eight poets against their pedantic critics', and from here into the ultimate clash: that of '**FUTURISM** AGAINST *passéisme*'. It is, naturally, Italy which summarises all of the Futurist attributes (including 'independence', 'ambition', 'explosiveness', 'commercial honesty' and 'respect for the individual') that are attributed individually to the other Allied states, allowing it to stand for 'all the forces / all the fragilities of GENIUS'.

<sup>55</sup> FT Marinetti, 'In this Futurist Year', 29 January 1914, in G Berghaus (ed), *F. T. Marinetti: Critical Writings*, trans. D Thompson (Farrar, Straus & Giroux, 2006) 231, 233. Emphasis in the original.

<sup>56</sup> See Sternhell (1995) 303.

<sup>57</sup> FT Marinetti, M Carli & E Settimelli, 'The Italian Empire (to Benito Mussolini—Head of the New Italy)', 25 January 1923, in Rainey *et al* (2009) 273, 273-74.

<sup>58</sup> The Italian word *plagio* can also mean coercion, subjugation or brainwashing.

**Figure 3:** Carlo Carrá, ‘Sintesi futurista della Guerra di Marinetti, Boccioni, Carrà, Russolo e Piatti,’ 20 September 1914, in Carlo Carrá, *Guerra pittura: futurismo politico, dinamismo plastico, disegni guerreschi, parole in libertà* (Edizioni Futuriste di ‘Poesia’, 1914) Reproduced by kind permission of the Biblioteca nazionale centrale di Roma.

The Futurists, then, shared with their Fascist comrades a strongly Hegelian vision of the state as the eternal collective subjectivisation of individual self-consciousness—as the perfection of individual self-determination. In a classic modernist move inherited from this vision, Balla had designed an outfit that would be self-narrating and hence self-determining, forcing its spectators into the role of protagonists (acting as the agents of Italy’s liberty *and therefore* also of their own) without any need for ‘external’ authorial direction. It was through their sublimation in the state that the temporal limitations of individual human life and hence of individual self-determination could be transcended and perpetuated into the future. From this perspective, the spatiality of the (‘successful’) state was—and arguably remains—tied irrevocably to a temporality that is both futuristic and expansionist, ever-hungry for a greater share of the planet’s resources. Indeed, only such a Futurist orientation on the part of the state could and can rationalise the deployment of individual bodies to the front line of a global war, whether—say—that of Basra, 1916 or Basra, 2016.

## THE ANTI-NEUTRAL SUIT AND US

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ON THE DOT OF 6.30 P.M. ON 9 JUNE 2014, IN A HEAVILY AIR-CONDITIONED BASEMENT THEATRE AT THE GUGGENHEIM MUSEUM IN UPTOWN NEW YORK, THE COMPOSER AND MUSICOLOGIST LUCIANO CHESSA BEGAN HIS PERFORMANCE OF FUTURIST ‘CONCRETE POETRY’. Among the selection of ‘words in freedom’ that Chessa ‘declamed’ were Marinetti’s Italo-Ottoman War-era *Bombardamento di Adrianopoli* (1912), Cangiullo’s *Piedigrotta* (1913) and Carrà’s meditation on the temporality and spatiality of the then-ongoing World War, *Divagazioni Medianiche* [‘Musings of a Medium’] (1915).

Chessa’s performance was one of a series of events that had been planned to complement the exhibition, *Italian Futurism, 1909-1944: Reconstructing the Universe* (February—September 2014).<sup>59</sup> His reading of the poems—as he growled, screeched and hiccupped through the verbalised noises of the machine-gun, the cannon and the propeller—was brilliant. Yet the response of the mainly middle-class, middle-aged audience could not have been more different from that of the

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<sup>59</sup> L Chessa, *PAAAAAAroooooooooooooole in Libertà Futuriste (Futurist Wwwwwoooooords-in-Freedom)*, Guggenheim Museum, New York, 9 January 2014.

incandescent university administrators, delirious law students and scandalised Roman shopkeepers of 11 December 1914. Nobody ran like ‘Trojans’ for the door in a terrified bid to escape; nor did any ‘youths’ ‘rear up’ to attack the intellectual ‘mustiness’ of the audience, for there were few young people in the room. No scuffles broke out; no bottles were smashed; no alarm-bells rang; no janitors came running. Instead, the reaction was primarily one of a slightly awkward giggling, accompanied by a self-conscious gesture of light summer cardigans being drawn a little closer against the mechanised chill.

This reaction of slightly embarrassed amusement is fully in line with the mainstream art world’s tendency to present Futurism as a movement whose aesthetics remain crucially relevant, but whose politics are now wholly out of date. For example, as Vivien Green, a Senior Curator at the Guggenheim Museum, writes in the Introduction to the Exhibition’s catalogue (which many of us, Chessa’s audience, clutched in our laps during the recital):

Italian Futurism was not merely an artistic movement but a way of life. To be a Futurist in the Italy of the early twentieth century was to be modern, young, insurgent. Futurism was lived. Inspired by the markers of modernity—the industrial city, the machine, speed, flight—its adherents celebrated disruption, seeking to revitalize what they saw as a static, decaying culture and an impotent nation that looked to the past for its identity.<sup>60</sup>

Or to quote from the dust jacket of one of the most recent and comprehensive Futurism anthologies, written by its editors, who are all professors of literature or history of art:

[T]he Futurists imagined that art, architecture, literature, and music would function like a machine, transforming the world rather than merely reflecting it. But within a decade [from the movement’s foundation in 1909], Futurism’s utopian ambitions were being wedded to Fascist politics, an alliance that would tragically scar its reputation for decades.<sup>61</sup>

These statements are not radically incorrect, but the reading of Futurism they put forward *is* radically sanitised. On the one hand, the linear concept of time that underlies this reading renders the violence of this Futurist chronotope appetising and, thus, infinitely consumable by placing it firmly and safely in the past. Futurist works of art become, from this perspective, artefacts in the

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<sup>60</sup> V Greene, ‘Introduction’, in *Italian Futurism, 1909-1944: Reconstructing the Universe* (Solomon R. Guggenheim Museum, 2014) 21.

<sup>61</sup> Rainey *et al* (2009), dust jacket, inside left.



archaeological sense: interesting because and to the extent of their alienness to the present. On the other hand, the spatial dimensions of this account of Futurism narrates the movement's nationalism, warmongering and street-level alliances with fascism as mere 'context'. As Greene puts it, for example:

[n]o artistic vanguard exists in a void—all are touched by their historical context. Thus, politics are also present here [in the Guggenheim exhibition]. The Futurists' celebration of war as a means to remake Italy, their support of interventionism, and Italy's role in World War I, all constitute part of this narrative, as does the later, complicated relationship between Futurism and Fascism.<sup>62</sup>

In presenting Futurist art as having been 'touched' by 'historical context', Green here—like Clark and Strachan, above—presents 'context' as something that is clearly distinct from, and secondary to, the 'text'; in this case, the work of art. This implies that it is *only* the context, but not the art/object itself, that has changed over the intervening century. The result is to strip Futurism's interventions simultaneously of their now-ness *and* of their prescience—to deny them the possibility of *having brought about* precisely the future that it was their ('historical') purpose to generate. Yet even if we were to accept, for the sake of argument, that an artefact's historical context should be limited to the contemporaneous,<sup>63</sup> the possibilities, in terms of what might constitute the appropriate background against which to discern an artefact's true meaning are almost unlimited. How, then, can we guard against some kind of bias creeping into the selection process? With their fleeting treatment of Futurism's relationship with fascism;<sup>64</sup> their omission of politically unpalatable artworks<sup>65</sup> from collections presented as 'unprecedented' in their comprehensiveness;<sup>66</sup> and their repeated attempts to resolve Futurism's paradoxes by means of careful (re)arrangement,<sup>67</sup> the efforts of these curators indicate that perhaps we cannot. Or as Painter puts it in this Special Issue, 'there is no place outside of "context" from which to determine context nor any internal criteria within either object or

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<sup>62</sup> Greene (2014) 21.

<sup>63</sup> For a critique, see Orford (2013) 173-74.

<sup>64</sup> Futurism and fascism were closely intertwined from the very beginning, not 'later' in Futurism's life. Compare, e.g., FT Marinetti [1929] 'The Futurists, the First Interventionists: Manifesto of Italian Pride', in Berghaus (2006) 226, 229-30; *ibid*, 'Response to Hitler', *Il Merlo*, 1 January 1937, reprinted in Rainey et al (2009) 297, 298.

<sup>65</sup> For example, Marinetti's orientalist fantasy of rape and conquest, *Mafarka le futuriste: roman africain* (Bounds Green Middlesex UP, 1997), received only one secondary reference in the Guggenheim retrospective (the word 'Mafarka' painted on a 1939 ceramic plate by Giovanni Aquaviva), and is neither extracted nor discussed in Rainey et al.

<sup>66</sup> 'Guggenheim Museum Presents Unprecedented Survey of Italian Futurism Opening in February', 16 January 2014, available at <http://www.guggenheim.org/new-york/press-room/releases/5708-guggenheim-museum-presents-unprecedented-survey-of-italian-futurism-opening-in-february> (last visited 24 January 2016).

<sup>67</sup> In an attempt, perhaps, to resolve the paradox of Futurism's loud misogyny, for example, the Guggenheim retrospective concluded, at the summit of the Museum's famed (non-negotiable, linear) spiral-ramp, with a series of enormous paintings of Bernadetta Cappa, Marinetti's wife and one of the only successful female Futurist artists.

context to guide the decision’. What counts as ‘text’ and what as ‘context’ must therefore be understood as a choice that has concrete jurisdictional and political consequences.<sup>68</sup>

On that June evening in New York, this work of sanitisation was comforting. It gave us, the audience, permission to consume Carrà’s ‘funeral march’ for a past annihilated by ‘a million guns’<sup>69</sup> with the same perfunctory pleasure as we had consumed the complementary cup of Prosecco which came with it half an hour earlier. Sitting quietly and complacently, in a freezing room on a hot night, while the Middle East slid further into civil war and Ebola swept through West Africa, we performed our complicity within a much wider project of sanitisation, of which the event we were watching was just a fragment. The truth of our audience-performance was manifest to anyone who wished to see it: the once-scandalous expansionist-accelerationist chronotope that Futurism dedicated itself to advancing has become normal to the point of banal, at least in the West.

How, then, can we interpret this instinct to downplay Futurism’s politics,<sup>70</sup> and what does it have to do with international law? My suggestion is that this instinct represents, not a betrayal or even a misunderstanding of Futurism, but Futurism’s vindication. I suggest that the World we inhabit and accept today—geared above all to the (negative/formal) individual ‘freedom’ of human beings and states, and steeped in violence directed against all alternative (‘traditional’) ontologies and superfluous (‘ancient’, ‘original’) species—is precisely the World whose birth the Futurists so jubilantly divined in ashes of the First World War.<sup>71</sup> Marinetti, indeed, made a specific exercise of imagining this World a hundred years on from 1917.<sup>72</sup> By then, the earth would have been ‘conquered at last’, tortured and ‘[s]queezed by the vast electrical hand of man’ into ‘giving up its entire yield’, with glorious results for those sufficiently ‘gifted’ to partake in that conquest. By contrast, those purveyors of ‘persistent medievalism’ who sought to resist would, like the ‘weak and the infirm’, be ‘crushed, crumbled and pulverized by the fiercely grinding wheels of this intense civilization’.<sup>73</sup>

The perspicacity of this once-incredible vision is difficult to deny.<sup>74</sup> It is not, however, all that surprising. After all, what the Futurists desired was not to destroy the social order in which they

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<sup>68</sup> Painter 000.

<sup>69</sup> C Carrà, *Divagazioni Medianiche* (1915).

<sup>70</sup> This mainstream attitude is not, of course, ubiquitous. See e.g. M Antliff ‘The Fourth Dimension and Futurism: A Politicized Space’ 82 *The Art Bulletin* (2000) 720-33; WM Adamson, ‘Futurism and Italian Intervention in World War I’ in *Italian Futurism, 1909-1944* (2014) 175-83.

<sup>71</sup> See generally S Daly, *Italian Futurism and the First World War* (Toronto UP, 2016).

<sup>72</sup> F T Marinetti, ‘Electric War: A Futurist Visionary Hypothesis’, 29 April 1917, in Berghaus (2006) 221, 222.

<sup>73</sup> Marinetti (1917) 223-35.

<sup>74</sup> Marinetti (1917) 224.

found themselves but to rather *speed up* its transition—a transition which they recognised was already well underway by 1914. This transition, whose most spectacular manifestation was the First World War, would indeed involve the ‘crushing’ and ‘pulverising’ of a spatially indeterminate feudal-imperial order some two millennia old. In its place, as they foresaw, would rise the painstakingly fragmented capitalist-imperial order that has at last been ‘consolidated’ (to retrieve Shaw’s term) across the entire surface of the earth today. The Futurists sought to force their spectators to seize the increasingly industrialised, increasingly statist-imperialist, increasingly individualised and above all increasingly violent chronotope of their day and to drag it, kicking and screaming, to an extreme which—until 1919—only they had dared to imagine. And it is in this oracular, interpellative/constitutive capacity that the particular valence of the *Vestito antineutrale* as an international legal artefact of the First World War lies.

Already by the time the conflict was drawing to a close, however, the statesmen of The World were interpreting its significance in similarly apocalyptic, cathartic terms. Compare, for example, Marinetti’s delighted prediction that the War would ‘[kill] off Teutonic traditionalism’, thus forcing ‘Freedom’ into the shape of ‘Italy’,<sup>75</sup> with insistence of the victorious Allies in 1919 that the War had been fought against ‘Prussian tradition’ on behalf of the future ‘freedom’ of ‘humanity’.<sup>76</sup> Or compare the Futurists’ determination to galvanise (again) ‘humanity’ into a cycle of ‘endless progress’ by giving ‘Italy and the world more courage, light, freedom, innovation and flexibility’<sup>77</sup> with President Woodrow Wilson’s 1918 description of the pre-War era as an ‘age that is dead and gone’,<sup>78</sup> a ‘happy fact’ brought about by the cleansing force of the War—for him, the ‘culminating and final war for human liberty’.<sup>79</sup>

This dream, this shared progressivist hallucination, has now been realised. Yet its reading of the First World War as a ‘great’ conflagration from which ‘we’ have learned so much—as ‘the finest Futurist poem that has ever materialized up to now’, to quote Marinetti once again<sup>80</sup>—is of concern to those who do not identify with the collective, ‘humanity’, to which that ‘we’ refers. It is of concern, in particular, to those who reject the categorisation of ‘traditional’ or, perhaps, ‘tribal’; to those who do not understand their relationship with non-human life as one of ‘subject’ to ‘object’.<sup>81</sup>

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<sup>75</sup> FT Marinetti, ‘In this Futurist Year’, 29 November 1914 in Berghaus (2006) 231, 235–37.

<sup>76</sup> ‘Letter to the President of the German Delegation covering the Reply of the Allied and Associated Powers’, 16 January 1919, in 6 *International Conciliation* (1919) 1341, 1341.

<sup>77</sup> Marinetti (1914) 235–36.

<sup>78</sup> W Wilson, *Address on the Fourteen Points*, Washington, 8 January 1918.

<sup>79</sup> Wilson (1918).

<sup>80</sup> Marinetti (1914) 235.

<sup>81</sup> G Coultard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (University of Minnesota Press, 2014).

As Part IV of this essay will argue, it is largely thanks to international law that ‘humanity’—the subject both of Balla’s *Manifesto*, as we have seen, and of the official war aims of the Allied and Central Powers—has responded so enthusiastically to the Anti-Neutral Suit’s command to liquidate the past.<sup>82</sup> With this response, that self-defining humanity has come to accept, as the inevitable by-product of ‘freedom’ and ‘endless progress’, a level of chronic, deep-rooted violence that, when extolled in 1914, triggered a full-scale urban riot. First, however, Section III will examine the interpellative force of some more recent examples of anti-neutral attire.

## ANTI-NEUTRAL DRESSING TODAY<sup>83</sup>

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SHORTLY BEFORE NOON ON 4 APRIL 2013, MEMBERS OF THE ‘SEXTREMIST’ GROUP FEMEN STAGED A SERIES OF TOPLESS DEMONSTRATIONS OUTSIDE MOSQUES AND TUNISIAN CONSULATES IN PARIS, MILAN, STOCKHOLM, KIEV, BRUSSELS AND OTHER EUROPEAN CAPITALS. The group had declared 4 April to be ‘International Topless Jihad Day’ in protest at the jailing of the Tunisian student, Amina Tyler. Tyler had been arrested by the Tunisian authorities after posting photographs of herself on social media with slogans such as ‘Fuck your morals’ written in Arabic across her bare stomach and chest. Outside the Grand Mosque in Paris, activists with sloganized breasts and multi-coloured flowers in their hair burned a black ‘Salafist’ flag.<sup>84</sup> In a collective statement, FEMEN said: ‘This day will mark the beginning of a new, genuine Arab Spring, after which true freedom, freedom without mullahs and caliphs, will come to Tunisia! Long live the topless jihad against infidels! Our tits are deadlier than your stones!’<sup>85</sup> Those who attended these protests, however, did not respond by panicking, rioting or stampeding. On the contrary, apart from the occasional outraged elderly man (see Figure 4), the audience at this protest (typically of FEMEN protests) consisted almost entirely of paparazzi, along with a handful of passers-by filming the inevitable police scuffle on their iPhones. If FEMEN’s spectators are largely indifferent to this familiar interpellative collaboration between state, media and ‘opposition’, the attitude of the FEMEN organisation itself is very similar. Its inconsistencies—from its sponsorship by Suwen, a Chinese lingerie company, to

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<sup>82</sup> The term humanity is mentioned 42 times in the official war aims of the belligerent powers collected in *Official Communications and Speeches Relating to Peace Proposals, 1916-1917* (Washington Carnegie Endowment for International Peace, 1917). For a searing critique of the concept of humanity, see Ayça Çubukçu, *Thinking Against Humanity*, forthcoming (2017) in this Journal.

<sup>83</sup> See, e.g., Duncan Kennedy, ‘Sexual Abuse, Sexy Dressing and the Eroticization of Domination’ 26 *New England Law Review* (1992) 1309.

<sup>84</sup> A Taylor, ‘Femen Stages a “Topless Jihad”,’ *The Atlantic*, 4 January 2013 at <http://www.theatlantic.com/photo/2013/04/femen-stages-a-topless-jihad/100487/> (last visited 3 January 2015).

<sup>85</sup> E Gordts ‘International Topless Jihad Day: FEMEN Activists Stage Protests Across Europe,’ *Huffington Post*, 5 January 2015, available at [http://www.huffingtonpost.com.au/2013/04/04/international-topless-jihad-day\\_n\\_3014943.html?ir=Australia](http://www.huffingtonpost.com.au/2013/04/04/international-topless-jihad-day_n_3014943.html?ir=Australia) (last visited 3 January 2016).

its shifting politics, presently aligned with far-right Ukrainian nationalism—are, after all, well known.<sup>86</sup>

**Figure 4: Sydney Parfitt, *Femen + ‘Paris mosque’* (2016). Original photograph by Fred Dufour / [freddufour.fr](http://freddufour.fr) / Getty / AFP.**

On the evening of 13 November 2015, a series of coordinated attacks by ‘Islamic extremists’ in Paris killed 130 individuals and wounded 368 others, prompting French Interior Minister Bernard Cazeneuve to declare: ‘This is just the beginning. The response of the Republic will be total... The terrorists will never destroy the Republic, because it is the Republic that will destroy them’.<sup>87</sup> Within hours of the attacks, millions of Facebook users had overlaid their profile pictures with a transparent ‘filter’ in the red, white and blue stripes of the French tricolour (Figure 5). The filter, offered via a special ‘Try it’ button, had been devised by Facebook to give its users a means of expressing solidarity with the victims of the Paris attacks. As some critics pointed out, however, Facebook did not offer similar opportunities to ‘try it’ with Turkish or Palestinian flags when massacres were carried out in these jurisdictions at around the same time.<sup>88</sup> In response, apparently, not to this criticism but to the development, by its market rival, Snapchat, of a more flexible range of profile ‘effects’, Facebook rolled out a new, multi-flag filter app, Profile Frames, just in time for the 2016 Rio Olympics.<sup>89</sup>

**Figure 5: Sydney Parfitt ‘*French flag*’ + *filter* + *Mark* (2016).**

BEGINNING AT AROUND TEA-TIME ON 20 JUNE IN THE MIDDLE OF THE 2006 FIFA WORLD CUP, THE UK ADVERTISING STANDARDS AUTHORITY RECEIVED FIVE IRATE TELEPHONE CALLS. The callers were complaining about a 60-foot roadside hoarding which had appeared earlier that day by the side of the M4 motorway out of West London. The poster featured the howling, white-painted Wayne Rooney with a giant cross daubed in wet red paint down his face and naked torso and across his

<sup>86</sup> ‘Femen began in Ukraine as a Movement against the National Sex Trade’, *Colors Magazine*, 10 March 2014, at <http://www.colors magazine.com/stories/magazine/88/story/femen-began-in-ukraine-as-a-movement-against-the-national-sex-trade>; Olivier Pechter, ‘L’histoire cachée des FEMEN’, at <https://olivierpechter.wordpress.com/2014/01/17/du-communisme-aux-reseaux-neo-fascistes-lhistoire-cachee-des-femen-12/> (both visited last 13 October 2016).

<sup>87</sup> B Cazeneuve, statement of 16 January 2015, quoted in M Stothard & A Thomso ‘Paris Attacks: Raids in France and Belgium as Manhunt Steps Up’, *Financial Times*, 16 January 2015, available at <http://www.ft.com/cms/s/0/e539eab8-8c83-11e5-8be4-3506bf20cc2b.html#axzz3tEKaaKEJ> (last visited 3 January 2015).

<sup>88</sup> See, e.g., J Alipoor ‘Take that Fucking French Flag Down’, *Another Country*, 15 November 2015, at <https://attheinlandsea.wordpress.com/2015/11/15/take-that-fucking-french-flag-down/> (accessed 9 Oct. 2016).

<sup>89</sup> C Newton ‘Facebook begins Testing a Snapchat-like Camera with Filters and Stickers’, *The Verge*, 5 August 2016, at <http://www.theverge.com/2016/8/5/12382264/facebook-snapchat-camera-msqrd-filters-stickers> (accessed 9 Oct. 2016); L Gore, ‘Facebook Olympic Photo Filers: How to Add Flag Frame for Rio 2016’, *Al.com*, at [http://www.al.com/news/index.ssf/2016/08/facebook\\_olympic\\_photo\\_filters.html](http://www.al.com/news/index.ssf/2016/08/facebook_olympic_photo_filters.html) (accessed 9 Oct. 2016).

outstretched arms (Figure 6). The Nike slogan, *Just do it*, was printed on the bottom-right, followed by the company's trademark red 'swoosh'. 'It is not meant to be an aggressive picture', a Nike spokeswoman told *The Daily Mail*. 'It was a case of catching the mood of the nation as everyone urges Rooney on to great things, and of course our slogan puts it perfectly. The red paint is not meant to be blood.... It's the flag of St George, and nothing else'.<sup>90</sup> Beyond the famously spleenful *Daily Mail* and this handful of affronted passengers, however, the most common responses to the poster appear to have ranged between impassivity and exhilaration.<sup>91</sup> As one advertising executive commented after it was awarded the top prize at the 2006 UK Campaign Poster Awards:

This is not advertising; it's art. It should have been hung in the Tate. It's passion incarnate. Pure energy. It made me feel patriotic when I'm not particularly patriotic at all. It made me feel. That in itself is...enough... It's savage. It's brutal. It doesn't apologise. It will never fade, and it will never lose meaning. It's completely beautiful, and I will never forget it. That, is love.<sup>92</sup>

**Figure 6: Sydney Parfitt, 'St Wayne' + Poster (2016). Original poster designed by Weiden+Kennedy, London.**

One of the most 'private' areas of the female body publicized and deployed in the name of 'equality, freedom'<sup>93</sup> and woman's 'ownership of her own body', against the 'barbaric and medieval' 'terrorism' of 'Islamist' regimes;<sup>94</sup> the French flag, 'virally' reproduced as a virtual, terrorism-resistant overcoat for the image-self as represented on social media; a solitary, muscular, highly-disciplined male torso, transformed into another bleedingly victorious 'human flag'... it is not difficult to understand these as three examples of twenty-first century anti-neutral attire. But into which conflict do they drag their wearers and witnesses?

These images, I suggest, help to clarify some of the ways in which our own never-ending global war (on 'terrorism', 'drugs', 'poverty', 'impunity'...) is represented—as in 1914—as a war against a past identified with oppressive traditionalism and low-tech lethargy. '[W]omen-hating, Muslim-murdering medieval monsters' was the description given by then-Prime Minister David Cameron to

<sup>90</sup> 'Nike Attacked over Rooney "Warrior" Picture', *Daily Mail Online*, 21 January 2006, available at <http://www.dailymail.co.uk/news/article-391684/Nike-attacked-Rooney-warrior-picture.html> (last visited 21 January 2016).

<sup>91</sup> See also 'England Fan's Amazing St Wayne Mural', *W + K London Blog*, 17 June 2010, available at <http://wklondon.com/2010/06/england-fans-amazing-st-wayne-mural/> (last visited 11 October 2016).

<sup>92</sup> James Hilton, co-founder of AKQA, *Campaign* supplement on outdoor advertising, quoted in on the W+K London Blog, 3 April 2013, at <http://wklondon.com/2013/04/its-savage-its-brutal-its-completely-beautiful/> (last visited 2 October 2016).

<sup>93</sup> *FEMEN 2016 Antifascist Front*, 6 January 2016, available at <http://femen.org/femen-antifascist-front-2016/> (last visited 13 January 2016).

<sup>94</sup> 'About Us', *FEMEN Official Blog*, available at <http://femen.org/about-us/> (last visited 13 January 2016).



the ‘jihadist’ group ISIS, for example, currently the most visible enemy in this war.<sup>95</sup> The conflict in question is—again, as in 1914—waged in the name of a future that is persistently conflated with a particular vision of freedom. This is the atomised individual liberty spoken of by Marx—the freedom of the self-owning, self-determining subject of law as ‘isolated monad’.<sup>96</sup> But it is also the simultaneously individual-and-state freedom performed (though not invented) by the Anti-Neutral Suit—the struggle of she who, thanks to her capacity to grasp the value of such liberty (as in woman’s ‘ownership of her own body’), both represents and is represented by a free (‘sovereign’) nation-state, which is, in turn, cast as the origin and guarantor of her self-ownership/liberty. The epitome of this micro/macro subject, with its both individual *and* collective, both cause *and* effect ‘liberty’, is invoked—and provoked—by all three of these contemporary anti-neutral outfits. Seeing them, we are (supposed to be) galvanised by the young Eastern European woman with the self-assurance to use her breasts as weapons against ‘totalitarianism’, and to fold the struggle of a woman she has never met into her own conception of global struggle in an assertion of the ‘universality’ of the values ‘protected’ by the Western state.<sup>97</sup> We are (supposed to be) convinced by the knee-jerk plausibility of the French state’s claim to be the vehicle through which the suffering of all the victims of the Paris attacks can be condensed, homogenised, sublimated and purified, thus rendering natural France’s status as the collective agent of freedom’s militarised vengeance. We are (supposed to be) moved by the young British athlete with a rough urban background whose unswerving passion, self-belief and discipline has won him the chance to represent his nation at the most widely-viewed sporting event in the world. However disparate their ostensible concerns may be (feminism, French defence-policy, football), they all ‘hail’ us with the same greeting: as individuals *and therefore* as microcosmic states; as states *and therefore* as macrocosmic individuals; as rights-bearing legal ‘personalities’ *and therefore* as participants in a conflict whose already-global parameters continue—somehow—to expand. It is law, and not the absence of law, in other words, which produces the ‘all’ in Hobbes’s supposedly pre-legal world war.

The enemy of the doubly-free, micro/macro subject who hails us from these images is, of course (or rather, since this antagonist tends not be represented in individual terms, the enemies are) the ‘barbarians’: the faceless ‘mullahs and caliphs’ and above all the ‘terrorists’—ruled, we are told, not

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<sup>95</sup> D Cameron, Speech to the House of Commons, 2 January 2015, quoted in P Wintour & N Watt, ‘David Cameron: it is Britain’s duty to attack Isis in Syria’, *Guardian*, 2 January 2015, available at <http://www.theguardian.com/politics/2015/dec/02/david-cameron-syria-debate-isis-britains-duty> (last visited 18 January 2016).

<sup>96</sup> See K Marx [1844] ‘On the Jewish Question’, available at <https://www.marxists.org/archive/marx/works/1844/jewish-question/> (last visited 13 January 2016).

<sup>97</sup> See, e.g., ‘Happy 25-th Birthday, Ukraine!’, in which a topless protester waves a Ukrainian flag, *Femen.org*, 24 Aug. 2016, at [femen.org/happy-25-th-birthday-ukraine/](http://femen.org/happy-25-th-birthday-ukraine/) (last visited 11 October 2016).

by ‘law’ but by ‘fundamentalist’ beliefs. Where self-determining individuals can represent (Rooney), be represented by (Parisian victims) or demand greater representativeness on the part of (FEMEN protesters) ‘their’ state (‘the republic’, with its colourful flag), the collectivised enemy’s imagined collectivity is denied this axis of political legitimacy. ‘Its’ (homogenised, anti-coloured) flag is burned. By contrast with the flamboyantly provocative outfits in these representations of ‘free’ life in the West, the attire of (Middle) ‘Easterners’ is essentialised by the wearers of today’s anti-neutral suits into an opposing position of anti-neutrality, whatever that attire happens to be. The parodic face-covering of the FEMEN protestor (Figure 4) is only one example. Indeed, regardless of the huge variety of different looks adopted by Muslims globally, ‘all forms of dress which identify their wearers as Muslim tend to be lumped together and perceived by outsiders as monotone, retrograde and repressive’ according to the anthropologist Emma Tarlo.<sup>98</sup> Muslims, Tarlo points out, are depicted disproportionately in the Western media wearing *thobes* and beards in the case of men and *jilbabs*, ‘tight face-grabbing’ *hijabs* and *niqabs* in the case of women, ‘austere and uniform images’ which function ‘as a sort of visual short-hand for “lack of integration” or “threat”’.<sup>99</sup>

The debate over the so-called ‘poppy hijab’ (Figure 7), launched in the UK in November 2014 by the Islamic Society of Britain (ISB), underscores the point. According to the ISB’s president, Sughra Ahmed, the aim of the headscarf—printed with the red poppies of ‘Remembrance Day’—was to give Britain’s Islamic community an opportunity to show their solidarity with the 400,000 Muslims who served alongside British soldiers during the First World War.<sup>100</sup> He hoped the headscarf would also ‘take some attention away from extremists’ by acting as ‘a symbol of quiet remembrance’, representing ‘the face of everyday British Islam—not [that of] the angry minority who spout hatred’. Yet as Fiyaz Mughal, director of Tell MAMA, an organisation which monitors attacks on Muslims in the UK, pointed out, there were many reasons to feel uncomfortable about a headscarf decorated with such a potent symbol of British imperial patriotism. “Women are at the brunt end of Islamophobia at street level’ he said. ‘Now they are...being told they are the ones who need to prove their loyalty’.<sup>101</sup>

**Figure 7: Sydney Parfitt, ‘Poppy hijab’ (2016). Original photograph by Rooful Ali / Rooful.com.**

<sup>98</sup> E Tarlo, *Visibly Muslim: Fashion, Politics, Faith* (Berg, 2010) 1-2.

<sup>99</sup> Ibid 103.

<sup>100</sup> S Hooper ‘Split UK Opinion over ‘Poppy Hijabs’’, *Al Jazeera News*, 9 January 2014, available at <http://www.aljazeera.com/indepth/features/2014/11/split-uk-opinion-over-poppy-hijabs-20141196523894487.html> (last visited 13 January 2016).

<sup>101</sup> Hooper (2014).

The trigger for all four of these anti-neutral episodes was an encounter, mediated by attire, between subjects or ‘personalities’, as was the Futurist demonstration at La Sapienza. However, where the Anti-Neutral Suit is still famous for its spectacular intervention into the politics of the 1914-18 period, the episodes just described constitute only a handful among countless other similar occurrences which happen so frequently that one can only notice them by lining them up. Taken together, however, they provide one indication of just how relentless ‘humanity’ is, today, being forced into a position of anti-neutrality in relation to the global war in which we are all—whether we notice it or not—participants. This process of interpellation takes place not only through such straightforward mechanisms as conscription (economic or otherwise—see Eslava in this Issue), but also through attire—that is, through the subjective interface that we place between ourselves and the World. In the latter’s wealthier, more powerful regions—areas which correspond, as we have seen, with the map of belligerent subjectivity, 1914-18—this can perhaps be appreciated more profoundly if we move away from the kind of public demonstrations examined above into the private, more intimate, even more obscure contents of our wardrobes.

It would be difficult, to find anyone in the West (and, indeed, in many parts of the East) who has not either owned or aspired to own at least one brightly-coloured item of specialist clothing made of breathable, flexible, reversible fabric (perhaps, like Gore-Tex™, perfected for military use),<sup>102</sup> and ‘adorned’ with special straps, buttons, bubbles and pouches for Fitbits® and other ‘personal technologies’. The purpose of such items is as straightforward as that of the Anti-Neutral Suit itself—and, indeed, many of them are accompanied by manifesto-like instructions. Such items are designed to encourage You to transform your Self into a faster, stronger, more disciplined, more ambitious individual, prepared to ‘risk everything’ for victory (see Figure 8).<sup>103</sup> But what are we doing when we ‘don’ these modern-day ‘feisty Futurist banners’—a pair of branded running shoes, perhaps—equipped with ‘Primeknit upper’, ‘Fresh Foam lower’, ‘breathable Flymesh, Lunarlon cushioning and Flywire cables’, and, of course, ‘visible StabiliPods’—if not responding, when hailed, to the global order which supplies them to us as the uniform of its own ever-freer individual subjects, pitched against one another in an ever-more ‘competitive’ competition?<sup>104</sup>

**Figure 8: Sydney Parfitt, *I am the bullet* (2016).**

<sup>102</sup> ‘Military’, *Gore Protective Fabrics*, available at

<http://www.goreprotectivefabrics.com/remote/Satellite/Military/Military> (last visited 13 January 2016).

<sup>103</sup> See, e.g., Nike’s *Risk Everything* campaign, launching its 2014 England football shirt. ‘Risk everything.’ *W + K London blog*, 16 Apr. 2014, at <http://wklondon.com/2014/04/risk-everything/> (last visited 9 October 2016).

<sup>104</sup> ‘7 New High Tech Running Shoes You Need’, *Mens’ Fitness*, <http://www.mensfitness.com/life/gearandtech/7-new-high-tech-running-shoes-you-need/slide/8#sthash.gEGp4Pf3.dpuf>, n.d. (last visited 18 January 2016).

Whether or not they connect the self-determining individual to the sovereign state explicitly (and many of them do: see Figures 5, 6 and 7), our running shoes can be understood as structurally anti-neutral in the Futurist sense. Like the global order that is microcosmically contained in the fatally sandblasted gussets of our ‘distressed’ jeans,<sup>105</sup> our sneakers, in celebrating the destruction of ‘folk’ cultures and ‘primeval’ species openly as an accidental but inevitable consequence of progress, can be understood as an actually-existing salute to the systematic destruction of the relics of humanity’s burdensome past.<sup>106</sup> Indeed, as we bend down to tie up our laces, whispering motivational slogans to ourselves (*‘just do it’*), the very materiality of our running shoes instructs us to participate in an endless, edgeless conflict in which the end—individual victory—justifies any means. At the same time, their very availability soothes and comforts our disciplined consciousness (much like their arch-supporting innersoles) with the promise of continual technological, and therefore subjective, innovation. However deeply we may be implicated in the suffering we *know* went into their production and distribution,<sup>107</sup> whatever destructive consequences we *know* will accompany their disposal,<sup>108</sup> the act of lacing up our trainers assures us that those—sneaker-wearers—aligned on the side of technology will soon develop the tools to save, at least, their/our own grandchildren.<sup>109</sup>

## THE ANTI-NEUTRAL STATE

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The standard history of international law is, as we have seen, a story of the discipline’s natural evolution—starting from the baseline/front-line of the First World War—from ‘traditional’ to ‘modern’ precisely in and through the process of outlawing the unilateral use of force, universalising the state system through decolonisation and protecting universal human rights. This

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<sup>105</sup> D G McNeile Jr. ‘Turkey: Sandblasting Jeans for “Distressed” Look Proved Harmful for Textile Workers’, *New York Times*, 31 October 2011, available at <http://www.nytimes.com/2011/11/01/health/silicosis-from-work-on-blue-jeans-killed-workers-study-says.html> (accessed 13 September 2016).

<sup>106</sup> See e.g. R Chandra *The Cunning of Rights: Law, Life, Biocultures* (Oxford UP, 2016).

<sup>107</sup> See e.g. M Wilsey & S Lichtig ‘The Nike Controversy’, *Trade & Environment* (Winter 1999), Ethics of Development in a Global Environment Seminar Series, Stanford University Department of Anthropology, available at [https://web.stanford.edu/class/e297c/trade\\_environment/trade\\_environment.htm](https://web.stanford.edu/class/e297c/trade_environment/trade_environment.htm) (last visited 4 January 2015).

<sup>108</sup> The materials found in most running shoes, such as ethylene vinyl acetate, can take up to a thousand years to degrade. ‘The Shoe Waste Epidemic’, *USAgain Blog*, 17 May 2013, <http://usagainblog.com/2013/05/17/the-shoe-waste-epidemic/> (last visited 26 January 2015).

<sup>109</sup> As the Australian Prime Minister put it, firmly eliding ‘we’ (Australians) with ‘we’ (humanity/The World): ‘We firmly believe that it is innovation and technology which will enable us both to drive stronger economic growth and a cleaner environment. With great optimism and faith in humanity’s genius for invention, we are confident that with collective leadership we will, with common cause, secure our future’. M Turnbull, Statement at UN ‘COP21’ Climate Change Conference, Paris, 30 January 2015, available at <https://www.pm.gov.au/media/2015-11-30/2015-united-nations-climate-change-conference> (last visited 3 January 2015).

being the case, one might wonder what the discipline could possibly have in common with a movement which celebrated war, and in particular the Great War, as ‘the world’s only hygiene’.<sup>110</sup> Bearing in mind the Futurists’ decision to attack La Sapienza’s Faculty of Jurisprudence before any other department, surely it must be correct to understand the Anti-Neutral Suit and the discipline of international law as opposed, or at any rate incommensurable, artefacts of human civilisation.

As I have argued, however, if we juxtapose international law’s narration of WW1 against the Suit’s own construction of (the) War, a number of parallels arise which point to a different possibility: that international law might have turned out to be Futurism’s most successful vehicle, if also its most unlikely. To begin with, it is worth noting that the equivalence, which it was the Suit’s purpose to express, between the (Futurist) individual subject and the (belligerent, Italian) state, is the same equivalence from which international law derives its legitimacy. It is difficult to appreciate, in 2017, how much violence has been and continues to be involved in this ‘analogy’—in the claim that the state, in juridical terms, should be understood as the free, self-determining individual ‘writ large’.<sup>111</sup> Since the 1960s, that claim—traceable historically, geographically and theoretically to the very specific situation of ‘medieval’ Western Europe<sup>112</sup>—has come to be accepted on a global scale, thanks to the magnetic pull of sovereign statehood as a concept and promise during the mid-twentieth century decolonisation process.<sup>113</sup> It is this claim that made international law a truly ‘universal’ discipline, according to its most influential scholars and practitioners.

Notwithstanding the astonishing levels of violence that they have faced in consequence, Indigenous peoples constitute one of the only sources of sustained opposition and alternatives to this idea today. In 1914, however, nation-states were still the exception, not the rule. As Chiam describes in this issue, for instance, radical socialists and syndicalists across the planet fought against the turn to nationalism which the Great War inspired, as much on the Left as on the Right—a struggle etched into the fate of the Second and Third Internationals.<sup>114</sup> The violence involved both in making and maintaining the nation-state was a fact of life across the political spectrum a century ago, and not only for the Futurists. Their own beloved state, Italy, had itself been constituted (‘unified’), at a cost of more than twenty thousand lives barely half a century before the War, in a process which all but

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<sup>110</sup> F T Marinetti, ‘The Founding Manifesto of Futurism,’ *Points 8-9, Le Figaro*, 20 January 1909, in Rainey *et al* (2009) 49-53.

<sup>111</sup> T E Holland, *Studies in International Law and Diplomacy* (Clarendon, 1898), at 152.

<sup>112</sup> For a critique of the ‘medieval’, see K Davis, *Periodization and Sovereignty: How Ideas of Feudalism and Secularization Govern the Politics of Time* (University of Pennsylvania Press, 2008).

<sup>113</sup> See S Pahuja ‘Decolonization and the Eventness of International Law’ in F Johns, R Joyce & S Pahuja (eds), *Events: The Force of International Law* (Routledge, 2011) 91-105.

<sup>114</sup> See Chiam in this Issue 000.

a few deemed incomplete (the ‘irredentist wound’ that blew Marinetti’s mind in the cab). Equally, Italy’s evident incapacity to support its burgeoning population, resulting in an acute emigration crisis, indicated to almost everyone in Italian politics that the acquisition of an overseas empire was imperative if Italy was to be taken seriously as a ‘great power’. It was for this—the ‘redemption’ of the territorial and colonial debt which Italy, no more and no less than any other contemporary nation-state, felt itself owed simply by virtue of its *status* as such—that Italy joined the War on the Allied side, and for this that Italian men flocked in their hundreds of thousands to the dreaded trenches at Isonzo.

That the process of becoming and remaining a nation-state was as destructive as it was constructive; that the resources required by ‘great powers’ were bound to outstrip their own territorial capacities—these were ‘facts’ in early twentieth century Italy, as they were elsewhere in the World. No wonder the ‘Wilsonian solution’ was met with horror by Italians in 1919.<sup>115</sup> ‘National self-determination’ for the new state of Yugoslavia, together with the Mandates System, meant that, when Italy’s demands for territorial concessions were presented in May 1919, Italy was left, as *The Times* newspaper put it, ‘in the plight of Old Mother Hubbard’s dog’.<sup>116</sup> In such a climate, many Italians returning from the front took to the streets with Gabrielle D’Annunzio’s condemnation of the Versailles Settlement as a *vittoria mutilata* (‘mutilated victory’) ringing in their ears. Yet the ‘solution’ embedded in the agreements concluded at Versailles—involving the export of the nation-state form into the East (Central and Eastern Europe and prospectively also into West Asia and North Africa) combined with an attempt to limit inter-state warfare—should not be understood as a rejection of the assumption that expansion was the inevitable corollary of statehood. On the contrary, the Peace Conference simply recalibrated that assumption for a newly-integrated, post-World War World. That the needs and desires of ‘successful’ states would increase year upon year was an axiom that remained, and remains, unchanged. In place of territorial conquest, however, the accelerating demand for material resources associated with ‘growth’ and ‘development’ was to be satisfied, from this moment onwards, not by territorial conquest but instead by the ‘penetration’ of ‘emerging markets’, and by the ‘marketisation’ of spheres previously considered to exist beyond the scope of private property. In short, what the ‘Wilsonian solution’ of 1919 achieved in the long-term was a displacement, on the part of international law, of the most visible aspects of the struggle for resources from the public into the private realm.<sup>117</sup>

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<sup>115</sup> Hess (1963) 123-24.

<sup>116</sup> Quoted in M H H Macartney & P Cremona *Italy’s Foreign and Colonial Policy* (Oxford UP, 1938) 66.

<sup>117</sup> See Parfitt (manuscript under review at Cambridge UP).



Even as this reinforced version of the domestic analogy has itself come to be expanded and strengthened, few lawyers and even fewer statesmen today labour under the illusion that legal subjectivity in either individual or collective form will produce substantive freedom or equality of any kind. On the contrary, legal subjectivity in both its (micro/macro) manifestations is called upon to create a ‘level playing field’, upon which the contest for material resources can now be conducted without any need on the part of the state to establish jurisdictional control.<sup>118</sup> It is, of course, in order to compete on this field that we desire/acquire some top-of-the-range trainers. With all ‘external’ impediments removed, victory in this game is assumed—precisely as it was assumed by the Futurists—to depend upon the individual aptitude and creativity of the players *alone*, notwithstanding a distributive context that has been predetermined since the fifteenth century by the unfolding projects of colonialism and capitalism. International law might have outlawed the former, beginning, tentatively, in 1919. Yet the task of intensifying the game of *material* domination via the widening and deepening of the ‘free’ market has become central to the discipline’s logic over precisely the same 100-year period.

It is international law, above all, that has driven forward the radical, rapid and violent expansion of the size and scope of the global ‘playing field’ at all levels.<sup>119</sup> Sometimes this has involved a public international law strategy of conditioning the assumption of international personality on the constitutionalisation of the legal framework for the market, as seen recently in Kosovo, Bosnia-Herzegovina, Iraq and elsewhere (that is, in the East, once again).<sup>120</sup> But it is in the sphere of public international law’s private life—in its grey, technical ‘sub-disciplines’ of international economic law, international trade law and international investment law—that the push to level the pitch has been strongest.

This international ‘private sphere’ is often treated as being of almost no interest to public international lawyers. Returning to Shaw’s best-selling introductory textbook, for example, we find not a single one of its 23 chapters devoted to any of these economic ‘specialisms’. Yet as Orford has pointed out, “‘internationalism’ is equally the realm of a market-oriented and technocratic approach to governance that is far removed from the rights-based and participatory model dreamed of by idealistic international and human rights lawyers’.”<sup>121</sup> Moreover, the treaties and programmes

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<sup>118</sup> See, e.g., the highly influential H de Soto *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (Basic Books, 2000).

<sup>119</sup> See L Eslava, *Local Space, Global Life: The Everyday Operation of International Law and Development* (Cambridge UP, 2015).

<sup>120</sup> See Parfitt (under review, Cambridge UP).

<sup>121</sup> A Orford ‘Locating the International: Military and Monetary Interventions’ 38 *Harvard International Law Journal* (1997) 443, 483.

issued by states and international institutions are often responsible for ‘creating the conditions that led to the violence’ which public international law is called upon to solve.<sup>122</sup>

It is, I suggest, in this largely invisible and yet undeniably *international legal* sphere that the call of the Anti-Neutral Suit has received its most enthusiastic reply. And it is here that humanity—sipping ‘free’ spumante on stolen land—continues to engage in the task of squeezing out the last of the planet’s depleted resources. Meanwhile, those who identify with ‘traditional’ cultures, who come from ‘less developed’ countries, who work in ‘sunset’ industries, and so on, continue to be ‘crushed, crumbled and pulverized’ by the same ‘fiercely grinding wheels’ of technological progress that animated Marinetti’s First-World-Wartime daydream so vividly.<sup>123</sup> This is, in short, an international legal order in which, as Eslava argues here, ‘some lives [are] widely accepted as being more dispensable than others’—not in spite of that order’s insistence on formal equality, but because of it.<sup>124</sup> This state-led, Futuristic process does not ‘count’ as violence for the purposes of Article 2(4) of the UN Charter, or for the Geneva Conventions, or for the Rome Statute of the International Criminal Court. But for those accused of harbouring a ‘slavish ... traditionalism’,<sup>125</sup> it is hard to see how this global game differs from the ongoing, unending conflict first described as a World War in July 1914.

## CONCLUSION

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IT IS 9.14 IN THE MORNING, ON SATURDAY 16 JANUARY 2016, AND I AM SITTING ON THE SOFA IN MY PYJAMAS, IN MELBOURNE, TRYING TO FINISH THIS ARTICLE. In a fit of procrastination, I have just clicked on a link that is circulating on Facebook, entitled *Official Donald Trump Jam*. It leads to a video of three little girls wearing halter-neck mini-dresses in the ‘star-spangled’ blue (top) and red-and-white stripes (skirt) of the US national flag (Figure 9).

What I’m watching, I have discovered, is a performance by the Freedom Girls, three members of USA Freedom Kids, a junior school cheerleading group (tagline: ‘*USA Freedom Kids: Patriotic*

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<sup>122</sup> Ibid 480.

<sup>123</sup> See S Pahjua, *Decolonising International Law: Development, Economic Growth, and the Politics of Universality* (Cambridge UP, 2011). For a recent castigation of those who ‘hold to a folk politics of localism, direct action, and relentless horizontalism’ in favour of those who support ‘an accelerationist politics at ease with a modernity of abstraction, complexity, globality, and technology’, see A Williams & N Srnicek, ‘#Accelerate Manifesto for an Accelerationist Politics’, *Critical Legal Thinking*, 14 May 2013, available at <http://criticallegalthinking.com/2013/05/14/accelerate-manifesto-for-an-accelerationist-politics/> (last visited 10 November 2016)

<sup>124</sup> See Eslava 000.

<sup>125</sup> Marinetti (1917) 225

*Music—Freedom Reborn and Better than Ever*').<sup>126</sup> In the video, the girls are performing at a gigantic rally, held two days ago in Pensacola, Florida, in support of Donald Trump's presidential campaign. Trump is currently leading the polls as the Republican Party nominee for the US presidential elections, to be held on 8 November 2016 (also the hundredth anniversary of the sinking of the *S.S. Columbian*, a US civilian ship, by a German submarine on the grounds of 'un-neutral' activity).<sup>127</sup>

On my screen, the three girls are lip-synching and dancing, somewhat haphazardly, to a song entitled *Freedom's Call*, a revamped cover of the wartime classic *Over There*, written on the evening of 6 April 1917, the day on which the US finally declared war on Germany. The aim of the song's famous Broadway composer, George M. Cohen, was (like that of Giacomo Balla) to encourage his young male nationals, hailed by the lyrics as the 'Sons of Liberty', to enlist:

*Johnny, get your gun, get your gun, get your gun*  
*Johnny, show the Hun [German] you're a son-of-a-gun*  
*Hoist the flag and let her fly Yankee Doodle Do or die!*<sup>128</sup>

The original version of Cohen's song was taken up as the anthem of the US men's national soccer team in its 2009 campaign for the 2010 FIFA World Cup Finals, and has recently been selected as the background music for a new videogame, *Verdun*, released on 28 April 2015. According to the game's official website, *Verdun* is the first multiplayer FPS ('first person shooter') game to be 'set in a realistic First World War setting' of 'merciless trench warfare', which promises You 'a unique battlefield experience, immersing you and your squad in intense battles of attack and defence'.<sup>129</sup> The Freedom Girls' cover of the song, however, features a new set of lyrics, written by the group's manager, Jeff Popick, father of the tiniest member of the trio—a former stunt driver and self-described 'serial entrepreneur':<sup>130</sup>

*Cowardice? Are you serious?*  
*Apologies for freedom? I can't handle this!*

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<sup>126</sup> See <http://www.usafreedomkids.com/about-1.html> (last visited 16 January 2016).

<sup>127</sup> 'The S. S. Columbian', *Newcastle Morning Herald and Miners' Advocate*, 21 January 1916. As I submit the final draft of this article, by coincidence at 9.53 am on Wednesday 9 November, Trump has just been confirmed as the incoming US President.

<sup>128</sup> Collins (2003) 140.

<sup>129</sup> See <http://www.verdungame.com> (last visited 16 January 2016).

<sup>130</sup> Justin Wm. Moyer 'Trump-loving USA Freedom Kid's Dad: "To Me, Freedom is Everything"' *Washington Post*, 15 January 2016, available at <https://www.washingtonpost.com/news/morning-mix/wp/2016/01/15/manager-of-trump-loving-usa-freedom-kids-to-me-freedom-is-everything/> (last visited 16 January 2016).

*When freedom rings, answer the call!*  
*On your feet, stand up tall!*  
*Freedom's on our shoulders, USAAAAA.*  
*Enemies of freedom, face the music,*  
*C'mon, boys, take them down!*  
*President Donald Trump knows how to make America great,*  
*Deal from strength or get crushed every tiiiiime!*

It is now 12.21 pm and I am still on the sofa, in my rented flat built on land appropriated nearly 200 years earlier from the Wurundjeri people of the Kulin nation. From this particular(ly) troubled vantage point, I offer up the Freedom Girls' 'cheer' as a conclusion, in the form of an infinitely reproducible anti-neutral spectacle that is both connected to and disconnected from the Great War. The consumption of this spectacle forces us—whether we like it or not—to identify either with or against a particular kind of future, characterised by a profound indifference to, if not a joyous celebration of, the particular kind of violence that I described above. I refer, here, to the unbearably provocative, inherently expansionist violence of the two legally co-constituted subjects which, together, supply international law with its *raison d'être*. To give them their Futurist formulation: 'The Nation = expansion + the multiplication of the "I"'.<sup>131</sup>

The unsolicited, unanticipated spectacle of these three mini Anti-Neutral Suits also underscores this article's wider suggestion that particularity may not, in fact, be the enemy of continuity, as Clark, Greene and other mainstream historians and art historians tend to assume. The objects, moments and episodes that I have pieced together into a kind of montage are each specific to a particular time and space. Each belongs, if only initially, to a particular context which, in another context, might be considered a text. Nonetheless, the act of zooming in to observe the contours of that specificity does not prevent us, then, from zooming out once again to see the patterns into which the shrapnel has fallen and, above all, to acknowledge the dead and recall their dreams.

**Figure 9: Sydney Parfitt 'Freedom Girls' + Trump + Jam (2016).**

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<sup>131</sup> Marinetti (1914) 236.

## POSTSCRIPT

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As will be clear, unlike the reproductions in Part II, I made the images in Parts IV and V using cardboard, scissors, glue, sunshine and a borrowed camera. Each of these cut-outs refers to another image, which can be found immediately if the title is entered into an online search engine.

I had not, at first, planned to make any cut-outs; I had hoped to use the original images, a collection of photographs, advertisements and TV stills. However, I soon realised that this would not be possible. Reproductions of these original images can, of course, be accessed ‘freely’ by anyone with an internet connection: ‘Google’ the search terms/titles and your server will copy a copy for you instantly. These images, in other words, can circulate the planet at a speed which Balla and his collaborators could scarcely have imagined. However, and notwithstanding the astonishing velocity at which they roam around the public domain, images of this kind operate on a strictly look-but-don’t-touch basis. In some cases, they can be reproduced for a fee. In that of others, however—particularly advertisements with multi-million dollar profit-making capacities—it is almost impossible to obtain explicit permission. That is to say, while the architecture of international intellectual property law vigorously protects the liberty of such images to flash into our heads, that same body of law severely restricts our capacity to resist that intrusion.

So, I decided to make the cut-outs in order to slow the images down to the point at which they might be observed more carefully and therefore more critically. The very need, as it were, to re-materialise them—by printing them out; making tracings from the prints; making drawings from the tracings; cutting out cardboard shapes based on the drawings; arranging the shapes on a background sheet; gluing them down; re-arranging them; gluing them down again; waiting for a sunny day; taking photographs of them when the sun is in the right place; choosing the photos; photoshopping their blemishes; and of going through the gruelling process of attaining permission nonetheless—underscores the ideological nature of any ‘freedom’ derived from brute acceleration. In this sense, my cut-outs should be understood as a very small-scale anti-Futurist demonstration.